

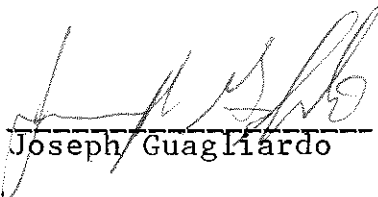
Dear Judge ^{COTE}~~Cote~~:

Attached hereto is a supplement to my pending motion, together with a certificate of service on the U.S. Attorney.

My motion has been pending since December 2, 2020. The U.S. Attorney has not filed opposition papers. Given the 789 active cases of Covid-19 at FCI Fort Dix, I am currently being forced to sleep next to "60" infected inmates. Given my obesity, ^{Prostate}~~pancreatic~~ cancer, denial of medication, and the other conditions detailed in my motion, I am very concerned for my health and my very survival.

I respectfully ask the court to issue its decision on my motion papers as supplemented herein without waiting for opposition papers that could have been filed after my December 2, 2020 submission.

Thank You



Joseph Guagliardo

CC: U.S. ATTORNEY

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I, Joseph Guagliardo, appearing Pro Se, respectfully submits this (supplement to the motion on file/ ~~Reply to the opposition papers submitted by Assistant U.S. Attorney~~).

The contents of my motion papers are restated and incorporated with the same force and effect as if more fully set forth at length herein.

Since the filing of my motion on December 1, 2020, FCI Fort Dix has been overwhelmed with Covid-19 cases and I have been placed in a life threatening situation. The following is a chronological list of the cases at Fort Dix FCI:

Date	Inmates Positive	Staff Positive	Inmate Recov.	Staff Recov
10/20	9	5	35	6
10/30	159	8	34	6
11/1	165	8	35	6
11/3	209	14	34	6
11/9	229	12	41	6
11/12	232	15	41	6
11/16	238	15	41	6
11/21	238	18	45	6
11/25	255	20	46	6
12/14	103	33	266	6
12/15	15	45	355	6
12/17	17	18	356	36
12/21	17	18		

as of January 9, 2021, 1,377 total Covid cases have occurred. Of these cases, 812 cases remain currently positive. These statistics place FCI Fort Dix the #1 federal facility for Covid-19 cases.

I am presently placed in the B wing of the FCI Fort Dix minimum security camp (the "camp"). The camp comprises two(2) wings, that each house approximately 65 inmates each. The A wing inmates were tested for Covid-19 and 38 inmates tested positive and were removed to quarantine. The B wing inmates were recently tested, however, as of the date of this submission, the results of the Covid-19 tests were not made available to the inmates.

Although housed in separate wings, the A-side inmates and the B-side inmates continue to cohabitate and share common eating, tv, computer, telephone, library and chapel areas, in addition to common walkways and points of access.

In essence, we are living together without any social distancing, without masks, PPE, disinfecting and any managed protocol for cleaning, disinfectant and protection for inmates against Covid-19.

This incredible risk to our health is made worse once its realized that the B wing inmates have not received the results of the Covid-19 tests and that A wing inmates who were infected continue to use common phones, worked in the kitchen area and went about their lives without any masks, social distancing or adherence to health protocol.

This toxic environment is made worse by the failure of the Fort Dix administration to provide me with my perscription medications and my medically prescribed footwear. I have been walking in "plastic" shower shoes since September 4, 2020.

These conditions are intolerable, injurious and detrimental to my physical and mental health and place me in a real and present danger of contracting Covid-19.

The Federal courts have recognized the health problems at FCI Fort Dix and have granted several Fort Dix inmates compassionate release from incarceration:

Lawmakers have demanded answers from the BOP, but that has not changed the problem within the prison. In response, judges around our district and others whose defendants have been sent to FCI Fort Dix have intervened to protect the health of the incarcerated where the BOP is clearly unable to do so. The following list of some of the

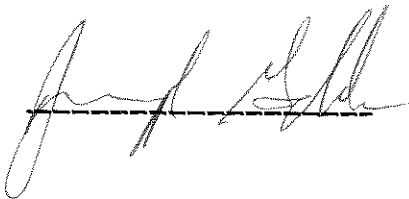
recent grants of compassionate release or temporary furlough show how judges have used this authority:

- * U.S.A. vs Belliard et al, (7:16-NJ-05949-VA(D.NJ., 12/17/20)(granting compassionate release to Fort Dix inmate);
- * U.S. v. McCalla, 2020 WL 3604120 (D.NJ., July 2, 2020)(granting compassionate release to Fort Dix inmate with chronic asthma, high blood pressure, obesity, and chronic renal disease);
- * U.S. v. Rodriguez, 00-CR-762 (JSR)(S.D.N.Y., Sept. 30, 2020)(granting resentencing to 30 years down from life without parole to Fort Dix inmate convicted of torture and murder-for-hire of a government informant in furtherance of narcotics conspiracy; inmate had no infractions in 20 years of imprisonment);
- * U.S. v Talal Soffan (3:19-CR-30004(MGM)(Nov. 2020)(granting compassionate release to Fort Dix inmate due to obesity);
- * U.S. v. Robinson, 2020 WL 4041436 (E.D. VIR. July 17, 2020)(granting compassionate release to Fort Dix inmate with high blood pressure);
- * U.S. v. Hayes, 2020 WL 4001903 (E.D. Mich. July 15, 2020)(granting compassionate release to Fort Dix inmate with obesity, asthma, sleep apnea);
- * U.S. v. Amaro, 2020 WL 3975486 (S.D.N.Y., July 14, 2020)(granting compassionate release to Fort Dix inmate with medical and mental health conditions);
- * U.S. v. Hernandez, 2020 WL 38993513 (S.D.N.Y., July 10, 2020)(granting compassionate release to Fort Dix inmate with obesity, COPD, and diabetes);
- * U.S. v. Browne 2020 WL 3618689 (D. Mass., July 2, 2020)(granting compassionate release to Fort Dix inmate with obesity, hypertension, asthma, hyperlipidemia, diabetes, and pancreatitis);

- * U.S. v. Debartolo, 2020 WL 3105032 (D.R.I., June 11, 2020)(granting compassionate release to Fort Dix inmate with chronic kidney disease, and hypertension);
- * U.S. v. Anderson, 2020 WL 2849483 (S.D.N.Y., June 3, 2020)(granting compassionate release to Fort Dix inmate with obesity);
- * U.S. v. Smith, Crim No.15-44 (W.D. Pa., June 26, 2020)(granting compassionate release to Fort Dix inmate with sarcoidosis);
- * U.S. v. Woodward, Crim No. 12-105(RAJ)(E.D.Va. June 26, 2020)(granting compassionate release for Fort Dix inmate with obesity, heart disease, and retinal disease);
- * U.S. v. Al-Jumail, Crim No. 12-20272(DOH)(E.D.Mich, 5/12/20)(granting compassionate release to Fort Dix inmate with heart disease diabetes, and retinal disease);
- * U.S. v. Pena, 2020 WL 2301199 (S.D.N.Y., May 8, 2020)(granting compassionate release to Fort Dix inmate with high blood pressure);
- * U.S. v. Williams, 2020 WL 1974372 at *4 (D. Conn. Apr. 24, 2020)(granting compassionate release to Fort Dix inmate with diabetes and high blood pressure);
- * U.S. v. Logan, No. 1:12-CR-308, Dkt. No. 179 (N.D.N.Y., Apr. 22, 2020)(granting compassionate release to Fort Dix inmate with diabetes, hypertension, hypercholesterolemia, and coronary artery disease);
- * U.S. v. Dorian Avery, No 1:14-CR-810 (JMF) (S.D.N.Y., Nov. 16, 2020) (granting compassionate release to Fort Dix inmate with severe obesity).

For the reasons set forth herein and as stated in my motion papers, I respectfully request that this court grant my motion for compassionate release/modificattion of sentence pursuant to 18 U.S.C. sic. 3582(c)(1)(A)(i).

Respectfully Submitted



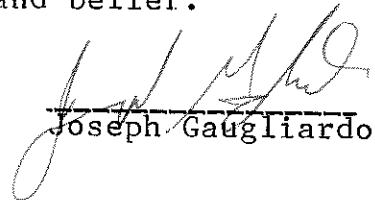
January 14, 2021

Joseph Gaugliardo #87290-054
F.C.I. P.O. Box 2000
Joint Base MDL, NJ 08640

AFFIRMATION

I, the undersigned Joseph Guagliardo, Movant pro se, hereby affirm under penalty of perjury that the foregoing Motion and Memorandum in Support thereof is true to the best of my knowledge and belief.

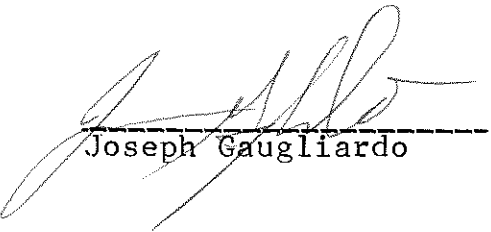
Dated: January 14, 2021


Joseph Gaugliardo

CERTIFICATE OF SERVICE

I, the undersigned Joseph Gaugliardo, hereby affirm under penalty of perjury that a true copy of the Motion and Memorandum in Support filed pursuant to (sic) 3582 was deposited in the outgoing inmate mail at Fort Dix, New Jersey on January 14, 2021. It was addressed to the United States Attorney, One St. Andrews Plaza, New York, NY 10007, and had sufficient First Class Postage affixed thereto.

Dated: January 14, 2021



Joseph Gaugliardo

JOSEPH GUAGLIARDO #87290-054

F.C.I. P.O. BOX 2000

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Pro Se

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Clerk of the Court

U.S. District Court

500 Pearl Street

New York, NY 10007-1312

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